

Sinco Technologies Pte Ltd. v. Sinco Electronics (Dongguan) Co. Ltd., *et al*

APPENDIX A.4

PARTIES' PROPOSED VOIR DIRE

Material Highlighted objected to by other party

ROPER, MAJESKI, KOHN & BENTLEY

LAEL D. ANDARA (SBN 215416)

lael.andara@ropers.com

ROBIN PEARSON (SBN 146704)

robin.pearson@ropers.com

DANIEL E. GAITAN (SBN 326413)

daniel.gaitan@ropers.com

545 Middlefield Road, Suite 175

Menlo Park, CA 94025

Telephone: (650) 364-8200

Facsimile: (650) 780-1701

Attorneys for Plaintiff

SINCO TECHNOLOGIES PTE LTD.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SINCO TECHNOLOGIES PTE LTD,

Plaintiff,

v.

SINCO ELECTRONICS (DONGGUAN)
CO., LTD.; XINGKE ELECTRONICS
(DONGGUAN) CO., LTD.; XINGKE
ELECTRONICS TECHNOLOGY CO.,
LTD.; SINCOO ELECTRONICS
TECHNOLOGY CO., LTD.; MUI LIANG
TJOA (an individual); NG CHER YONG
aka CY NG (an individual); and LIEW
YEW SOON AKA MARK LIEW (an
individual),

Defendants,

AND RELATED COUNTER-CLAIMS.

CASE NO. 3:17CV5517 EMC

PLAINTIFF'S PROPOSED
JURY VOIR DIRE AND
PROPOSED JURY QUESTIONNAIRE.

PRETRIAL HEARING

Date: October 2, 2021

Time: 2:30 p.m.

Place: Courtroom 5 – 17th Floor

Hon. Edward M. Chen

TRIAL DATE

November 1, 2021

Pursuant to the Court's Standing Order, "Civil Pretrial Instructions," the following proposed additional proposed *Voir Dire* questions and proposed Jury Questionnaire,* assume the Court will make the conduct the following *Voir Dire*:

1. Name.*
2. City of residence.*
3. Occupational status.*
4. Organizations.*
5. Hobbies.
6. Marital status.*
7. Spouse's occupation.
8. Children (including ages).*
9. If ever served as a grand juror.
10. If ever in the military.*
11. If a juror on another case.*

* Indicates this subject is covered in the Questionnaire if used.

PLAINTIFF SINCO TECHNOLOGIES PTE., LTD.'S
REQUEST FOR ADDITIONAL JURY VOIR DIRE

Plaintiff SinCo Technologies PTE., Ltd. ("SINCO") submits below the proposed additional *voir dire* questions to be submitted to the prospective jurors in this case and requests allowance to ask follow-up questions in addition to the proposed Jury Questionnaire, included herein.

FAMILIARITY WITH PROCESS:

12. Civil or Criminal?*

13. Did you reach a verdict?*

14. Do you not wish to sit on this jury for any reason whatsoever?

15. Have you, a family member, or close friend had any experience in the legal field or court system? If so, please tell us about your/their experience.

16. Have you, a family member (spouse, child, parent or sibling), or close friend, ever been a plaintiff in civil litigation (plaintiff means you sued a company or a person)?*

17. Have you, a family member, or close friend, ever been a defendant in civil litigation (defendant means you sued a company or a person)?*

18. Have you ever testified in a deposition or a trial?*

19. Do you support caps or limits on the amount of money that can be awarded in lawsuits?

20. Have you, your employer, or anyone close to you ever been sued or threatened with a lawsuit.

21. How common do you think it is for trademarks to be issued unfairly or to be overbroad, leading to unfair restrictions on competition?

HARDSHIP:

22. This case is expected to take ten (10) days to try, however, jury deliberations could extend your services beyond that. We expect to be done by the end of the day no later than November 16, 2021. We will usually begin at 8:30 a.m. and end by 2:00 p.m., except for Thursdays, which you will be off. Each day we will take a 15-minute morning break and 40 minute break around noon. Does this schedule present any special problem for you?
23. Is there any health issue such as poor vision, difficulty hearing, difficulty understanding spoken or written English that might make it difficult for you to pay attention to trial testimony for sustained periods of time?
24. Is there any reason why you could not serve as a completely fair and impartial juror in this trademark case?
25. Is there anything else that I have not asked you that you wish to bring to my attention that might affect your ability to serve as a juror in this case?

SPECIFIC KNOWLEDGE AS TO THIS CASE:

26. Are you familiar with this case or have you heard anything about it?
27. Counsel will now introduce themselves and their clients and list the names of their potential witnesses. After they do so, I will ask you whether you, a family member, or close friend, have had any business dealings with, or been employed by any of these attorneys or law firms, their clients, or witnesses?
- [Counsel speak] Do you, a family member, or close friend, have any business dealings with, or been employed by any of these attorneys or law firms, their clients, or the witnesses?

PROPERTY OWNERSHIP:

28. How many of you own your own home?
29. Do any of you own property that you lease or rent out to tenants?
30. Have any of you ever had an experience where someone inappropriately used your property? If yes, please explain.
31. Have you ever had property stolen from you? If yes, please explain.
32. Have you ever owned a business? If so, what type of business(es) have you owned?
33. Does anyone own any intellectual property rights in the form of Trademarks, Patents, or Copyright.

INDUSTRY SPECIFIC EXPERIENCES:

34. Do you, anyone in your family, or a close friend work at a business relating to electronics components or devices?
35. Do any of you have any education or experience in the development of tools for manufacturing parts for electronic devices?
36. Are you, or is anyone in your family, an engineer?
- a. Where do you/they work?
- b. Do you/they purchase tools or parts for your/their place of business?
- c. If yes, please describe.
37. Do you have any education or experience related to finance or economics?
38. Has anyone traveled to China for business?

39. Has anyone traveled to Singapore for business?

INTELLECTUAL PROPERTY:

40. Do you, your employer, a family member, or close friend, have any experience with IP such as patents, trademarks or copyrights?

41. Have you ever been involved in selecting a name for a company or product?

42. Have you, a family member, or a close friend ever applied for a trademark?

43. Have you or does your employer have any experience with the US Patent and Trademark Office?

44. Has anyone been involved in the investigation of Intellectual Property theft?

45. Have you, a family member, or close friend, been a victim of Intellectual Property theft?

46. Does anyone have any strong feelings as to Intellectual Property theft coming from China?

ATTITUDES:

47. Do you have strong feelings about the legal system or lawsuits that would make it difficult to be a fair and impartial juror?

48. Do you have any strong feelings or beliefs about large corporations that might make it difficult for you to serve as a fair and impartial juror in this case?

49. Do you believe that it is wrong or improper for a company to bring a lawsuit?

a. If so, why?

b. Is your belief based on a personal experience?

1 c. If so, what was that experience?

2 50. Do you have feelings or beliefs about the United States trademark system that
3 would make it difficult for you to be a fair and impartial juror in this case that
4 involves claims of trademark infringement?

5 51. Do any of you have any feelings or attitudes which may influence how you would
6 judge the issues in the case based on what you have heard so far?

7 52. Is there anyone here that would find it difficult to award damages to the plaintiff if
8 liability was found and the damages were proven by the burden of proof?
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[PROPOSED] JUROR QUESTIONNAIRE – INSTRUCTIONS²

These questions are designed to obtain information about you as a possible juror in a pending case. Filling out the questionnaire online will substantially shorten the process of jury selection.

Please respond to the following questions as completely as possible. You will be given an opportunity to explain or expand your answers at jury selection.

Where you feel your answer might invade your right to privacy or be embarrassing to you, you may indicate this by placing your initials in the answer box. The judge will then give you an opportunity to explain your request privately, with only the judge, the attorneys, and the court reporter present.

Because this questionnaire is part of the jury selection procedure, you must answer the questions under the penalty of perjury, and you must fill out the answers by yourself, without help from any other person. Please do not discuss this case or the questionnaire with anyone. As you answer the questions that follow, please keep in mind there are not “right” or “wrong” answers.

Thank you for your cooperation.

² <https://cand.uscourts.gov/juryoldpage/responding-to-your-summons-and-completing-the-questionnaire/>

[PROPOSED] JUROR QUESTIONNAIRE**BIOGRAPHY**

1. Your name: _____

2. Do you rent or own your home?

☐ rent

☐ own

☐ other

3. The city or town where you live: _____

4. Your marital status:

☐ Single

☐ Live with Partner

☐ Married (____years)

☐ Divorced

☐ Widowed

5. Your highest level of education completed:

☐ Grade school or less

☐ High school graduate

☐ Some college or AA degree

☐ Technical or vocational school (major): _____

☐ College graduate (major): _____

☐ Post graduate study (major): _____

EMPLOYMENT

6. What is your current employment status?

☐ Employed full time

☐ Employed part time

☐ Self employed

☐ Independent Contractor

☐ Student (Area of study _____)

☐ Working more than one job

☐ Do not work outside the home

☐ Unemployed (Due to COVID? ☐ Yes ☐ No)

☐ Retired (Years _____)

7. Who is (or was) your employer? _____
8. How long have you worked (or did you work) for this employer?
9. Does your job involve supervising other people?
☐ Yes ☐ No
10. Have you ever worked for the government or served in the military?
☐ Yes ☐ No
11. If you have children, ☐ Yes ☐ No. If yes, please list their ages and if they are employed, please give their occupations: _____

12. Please list the occupation and employer of any adults (other than your children previously listed) living in your household: _____

13. Have you, either personally or at work ever been involved in the development of a new product or process? ☐ Yes ☐ No. If yes, please explain:

14. Have you, or has anyone close to you, ever had any experience with the Patent and Trademark Office? ☐ Yes ☐ No. If yes, please explain:

GENERAL BACKGROUND:

15. Where do you get your news? (websites, social media, newspapers, magazines, radio stations, etc.) Be specific as to the sources you use: _____

16. Do you, or anyone close to you belong to, volunteer with or contribute to any clubs, organizations, special interest groups and/or charitable organizations? If yes, please provide details. _____

Do you hold a leadership position in any of these groups or organizations?

☐ Yes ☐ No If yes, please describe: _____

EXPERIENCE

17. Have you ever served on a jury before?
☐ Yes ☐ No How many times? _____
If yes:
a. ☐ State Court ☐ Federal Court
b. When? _____
c. Type of Case: ☐ Civil ☐ Criminal
d. Did you reach a Verdict? ☐ Yes ☐ No
e. Where you the foreperson? ☐ Yes ☐ No

18. Have you, or has anyone close to you, ever been otherwise involved in a lawsuit in any way, other than a divorce? ☐ Yes ☐ No

19. Have you, or has anyone close to you, ever been a plaintiff in a lawsuit?
☐ Yes ☐ No

20. Have you, or has anyone close to you, ever been a defendant in a lawsuit?

☐ Yes ☐ No

21. Have you ever testified in a deposition or a trial?

☐ Yes ☐ No

22. Have you or anyone close to you had any experience, education, or training in any of the following: (Please check all that apply)

☐ Accounting

☐ Sales

☐ Finance/Economics

☐ Software Development

☐ IT Support

☐ Coding/Programming

☐ Licenses

☐ Engineering

☐ Product Development

☐ Marketing

☐ The Law

☐ Architecture

☐ Website/Webpage Design

23. Have you, or has anyone close to you, ever been self-employed or owned a business? ☐ Yes ☐ No

If yes, please explain: _____

Juror Oath

I declare under penalty of perjury that my answers to this Jury Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others or received assistance in completing this questionnaire.

Name: _____

Date: _____

DOUGLAS A. WINTHROP (SBN 183532)
Douglas.Winthrop@arnoldporter.com
JEREMY T. KAMRAS (SBN 237377)
Jeremy.Kamras@arnoldporter.com
JOSEPH FARRIS (SBN 263405)
Joseph.Farris@arnoldporter.com
ARNOLD & PORTER KAYE SCHOLER LLP
Three Embarcadero Center, 10th Floor
San Francisco, CA 94111-4024
Telephone: 415.471.3100
Facsimile: 415.471.3400

Attorneys for Defendants XINGKE
ELECTRONICS (DONGGUAN) CO., LTD.,
formerly known as SINCO ELECTRONICS
(DONGGUAN) CO., LTD., LIEW YEW SOON
aka, MARK LIEW, NG CHER YONG. aka CY
NG, and MUI LIANG TJOA aka ML TJOA

WHGC, P.L.C.

Jeffrey C.P. Wang (SBN 144414)
JeffreyWang@WHGCLaw.com
Michael G. York (SBN 89945)
MichaelYork@WHGCLaw.com
Kathleen E. Alparce (SBN 230935)
KathleenAlparce@WHGCLaw.com
Jessica A. Crabbe (SBN. 263668)
JessicaCrabbe@WHGCLaw.com
1301 Dove Street, Suite 1050
Newport Beach, CA 92660
Tel. (949) 833-8483; Fax: (866) 881-5007

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SINCO TECHNOLOGIES PTE LTD.,

Plaintiff,

vs.

SINCO ELECTRONICS (DONGGUAN) CO.,
LTD.; XINGKE ELECTRONICS
(DONGGUAN) CO., LTD.; XINGKE
ELECTRONICS TECHNOLOGY CO., LTD.;
SINCOO ELECTRONICS TECHNOLOGY CO.,
LTD.; MUI LIANG TJOA (an individual); NG
CHER YONG aka CY NG (an individual); and
LIEW YEW SOON aka MARK LIEW (an
individual),

Case No. 3:17-CV-05517-EMC

Action Filed: September 22, 2017

**DEFENDANTS' OBJECTIONS TO
PLAINTIFF'S REQUEST FOR
ADDITIONAL JURY VOIR DIRE AND
JUROR QUESTIONNAIRE [EXCHANGE
VERSION]**

Date: October 5, 2021

Time: 2:30 p.m.

Place: Courtroom 5, 17th Floor

Judge: Honorable Edward M. Chen

Trial: November 1, 2021

Pursuant to the parties' schedule for pretrial exchanges, Defendants provide this list of objections to Plaintiff's request for additional jury voir dire and juror questionnaire. Defendants reserve the right to supplement or amend these objections during the Court's pretrial process.

OBJECTIONS TO ADDITIONAL JURY VOIR DIRE

Familiarity with Process

- 12. Object. Duplicative of questionnaire.
- 13. Object. Duplicative of questionnaire.
- 14. No objection.
- 15. No objection.
- 16. Object. Duplicative of questionnaire and not designed to elicit relevant information.
- 17. Object. Duplicative of questionnaire and not designed to elicit relevant information.
- 18. Object. Duplicative of questionnaire and not designed to elicit relevant information.
- 19. Object. Not designed to elicit relevant information.
- 20. Object. Not designed to elicit relevant information.
- 21. Object. Not designed to elicit relevant information.

Hardship

- 22. No objection.
- 23. No objections.
- 24. No objection.
- 25. No objection.

Specific Knowledge as to this Case

- 26. No objection.
- 27. No objection to having counsel introduce themselves and clients. However, list of clients and witnesses more appropriate for questionnaire.

Property Ownership

- 28. Object. Biased, prejudicial and not designed to elicit relevant information.
- 29. Object. Biased, prejudicial and not designed to elicit relevant information.
- 30. Object. Biased, prejudicial and not designed to elicit relevant information.

31. Object. Biased, prejudicial and not designed to elicit relevant information.

32. Object. Biased, prejudicial and not designed to elicit relevant information.

33. Object. Duplicative of question 40.

Industry Specific Experiences

34. No objection.

35. No objection.

36. No objection.

37. Object. Not designed to elicit relevant information.

38. No objection.

39. No objection.

Intellectual Property

40. No objection.

41. Object. Not designed to elicit relevant information.

42. No objection.

43. No objection.

44. Object. Biased, prejudicial and not designed to elicit relevant information.

45. Object. Biased, prejudicial and not designed to elicit relevant information.

46. Object. Biased, prejudicial and not designed to elicit relevant information.

Attitudes

47. Object. Duplicative of questions 14, 15, and 24.

48. Object. Not designed to elicit relevant information.

49. Object. Duplicative of questions 16, 17, 19, and not designed to elicit relevant information.

50. Object. Duplicative of questions 24, 33, 40-43, and not designed to elicit relevant information.

51. Object. Duplicative of question 24, and not designed to elicit relevant information, including because jury instructions will not have been provided.

52. Object. Biased, prejudicial and not designed to elicit relevant information.

OBJECTIONS TO JUROR QUESTIONNAIRE

Defendants object to the Plaintiff's proposed Juror Questionnaire in its entirety to the extent it is duplicative of the Northern District Standard Trial Juror Questionnaire, and recommend instead that the parties use that existing questionnaire, an example of which is attached hereto.

Biography

1. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.
2. Object. Not designed to elicit relevant information.
3. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.
4. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.
5. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.

Employment

6. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.
7. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.
8. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.
9. Object. Not designed to elicit relevant information.
10. No objection.
11. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.
12. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.
13. Object. Duplicative of and more appropriate for voir dire.

14. No objection.

General Background

15. No objection.

16. No objection.

Experience

17. No objection to substance, but duplicative of Northern District Standard Trial Juror Questionnaire.

18. Object. Not designed to elicit relevant information.

19. Object. Not designed to elicit relevant information.

20. Object. Not designed to elicit relevant information.

21. Object. Not designed to elicit relevant information.

22. No objection, but strike references to “IT Support,” “Finance/Economics,” “Coding/Programming,” “Architecture,” “Website/Webpage Design” as not designed to elicit relevant information, and add references to “Supply Chain Management” and “Procurement.”

23. No objection.

Dated: September 8, 2021.

ARNOLD & PORTER KAYE SCHOLER LLP

By: /s/ Douglas Winthrop

Attorneys for Defendants
XINGKE ELECTRONICS (DONGGUAN) CO.,
LTD., formerly known as SINCO
ELECTRONICS (DONGGUAN) CO., LTD.,
LIEW YEW SOON aka, MARK LIEW, NG
CHER YONG. aka CY NG, and MUI LIANG
TJOA aka ML TJOA

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served a copy of the foregoing DEFENDANTS' OBJECTIONS TO PLAINTIFF'S REQUEST FOR ADDITIONAL JURY VOIR DIRE AND JUROR QUESTIONNAIRE [EXCHANGE VERSION] via email on September 8, 2021.

/s/

1. Do you believe that corporations should be more heavily regulated?

a. Yes

b. No

2. Do you believe that, in general, corporations play by the rules?

a. Yes

b. No

3. Do you have experience in supply chain management or procurement?

a. Yes

b. No

4. Do you believe that oral agreements are just as binding as written agreements?

a. Yes

b. No

5. The parties in this case are two Asian corporations. Do you believe that fact might affect the way you participate or decide this case?

a. Yes

b. No

6. Do you have any strong feelings or beliefs about China?

a. Yes

b. No

7. Do you have any strong feelings or beliefs about Singapore?

a. Yes

b. No

8. Do you have any strong feelings or beliefs about businesses based in China?

- a. Yes
 - b. No
9. Do you have any strong feelings or beliefs about businesses based in Singapore?
- a. Yes
 - b. No
10. Do you interact with anyone on a regular basis who communicates with you through a translator?
- a. Yes
 - b. No
11. Do you interact with anyone on a regular basis who speaks English with a non-American accent?
- a. Yes
 - b. No

ROPERS MAJESKI PC
LAEL D. ANDARA (SBN 215416)
lael.andara@ropers.com
ROBIN PEARSON (SBN 146704)
robin.pearson@ropers.com
DANIEL E. GAITAN (SBN 326413)
daniel.gaitan@ropers.com
545 Middlefield Road, Suite 175
Menlo Park, CA 94025
Telephone: (650) 364-8200
Facsimile: (650) 780-1701

Attorneys for Plaintiff
SINCO TECHNOLOGIES PTE LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SINCO TECHNOLOGIES PTE LTD,

Plaintiff,

v.

SINCO ELECTRONICS (DONGGUAN) CO.,
LTD.; XINGLE ELECTRONICS
(DONGGUAN) CO., LTD.; XINGKE
ELECTRONICS TECHNOLOGY CO., LTD.;
SINCOO ELECTRONICS TECHNOLOGY
CO., LTD.; MUI LIANG TJOA (an
individual); NG CHER YONG aka CY NG (an
individual); and LIEW YEW SOON aka
MARK LIEW (an individual),

Defendants.

Case No. 3:17CV5517

**PLAINTIFF SINCO TECHNOLOGIES
PTE LTD'S OBJECTIONS TO
DEFENDANTS' PROPOSED VOIR
DIRE ADDITIONAL QUESTIONS**

PRETRIAL HEARING

Date: October 5, 2021

Time: 3:00 p.m.

Place: Courtroom 5 – 17th Floor

Hon. Edward M. Chen

TRIAL DATE

November 1, 2021

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff, SINCO TECHNOLOGIES, PTE, LTD. (“SINCO” OR “Plaintiff”), submits the following objections to the Proposed VOIR DIRE ADDITIONAL QUESTIONS submitted by Defendants Sinco Electronics (Dongguan) Co., Ltd., doing business as Xingke Electronics (Dongguan) Co., Ltd.; Mui Liang Tjoa; Ng Cher Yong; and Liew Yew Soon (herein “XINGKE” or “DEFENDANTS”) as set forth below:

The Defendants Proposed *Voir Dire* Additional Questions, imply by their title that they are additional, but do not state additional to what? SINCO objects to this ambiguity and reserves all objections as to other questions not provided as agreed on **August 31, 2021**. Presuming that Defendants are referring to the *Voir Dire* detailed in the **February 1, 2021**, Third Amended Case Management and Pretrial Order for Jury Trial as outlined in SINCO’s proposed *Voir dire*:

Pursuant to the Court’s Standing Order, “Civil Pretrial Instructions,” the following proposed additional proposed *Voir Dire* questions and proposed Jury Questionnaire,* assume the Court will make the conduct the following *Voir Dire*:

1. Name.*
2. City of residence.*
3. Occupational status.*
4. Organizations.*
5. Hobbies.
6. Marital status.*
7. Spouse’s occupation.
8. Children (including ages).*
9. If ever served as a grand juror.
10. If ever in the military.*
11. If a juror on another case.*

* Indicates this subject is covered in the Questionnaire if used.

SINCO’S OBJECTIONS TO SPECIFIC VOIR DIRE QUESTIONS
PROPOSED BY DEFENDANTS

2. Do you believe that, in general, corporations play by the rules?

SINCO objects as this question is too broad and implies a negative connotation. SINCO’s question 48 is a more neutral alternative to obtain similar information.

5. The parties in this case are two Asian corporations. Do you believe that fact might affect the way you participate or decide this case?

SINCO objects as this question attempts to associate the Defendants and Plaintiff together, and reference to “Asian” is inappropriate. SINCO objects as this request implies the Defendant company and Plaintiff company are similar, and they are not. SinCo objects to this question as it is cumulative and addressed without attempting to imply similarities between the parties by use of Questions 6-9.

SINCO objects to Questions 10 and 11 as too broad and could illicit irrelevant responses. SINCO would propose simply asking:

Does anyone speak Cantonese or Mandarin?

Dated: September 8, 2021

Respectfully submitted,

ROPERS MAJESKI PC

By: /s/ Lael D. Andara

LAEL D. ANDARA
 ROBIN M. PEARSON
 DANIEL E. GAITAN
 Attorneys for Plaintiff
 SINCO TECHNOLOGIES PTE LTD